

1                   BEFORE THE BOARD OF OIL, GAS AND MINING  
2                   DEPARTMENT OF NATURAL RESOURCES AND ENERGY  
3                   IN AND FOR THE STATE OF UTAH

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5   DIVISION OF OIL, GAS AND MINING, ) DOCKET NO. 84-040  
6   PETITIONER, VS. CO-OP MINING    ) CAUSE NO. ACT/015/025  
7   COMPANY, RESPONDENT               ) REPORTER'S TRANSCRIPT

8                   -ooo-

9                   On Thursday, July 26, 1984, and on Friday, July 27,  
10                  1984, a hearing was held in the Auditorium of the Division of  
11                  Wildlife Resources, 1596 West North Temple, Salt Lake City,  
12                  Utah, in the above-entitled matter; and said hearing was  
13                  reported in shorthand by Ronald F. Hubbard, a certified short-  
14                  hand reporter and notary public in and for the State of Utah.

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A P P E A R A N C E S

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Board Members

Gregory P. Williams, Chairman  
John M. Garr  
Charles R. Henderson  
Richard B. Larsen  
Constance R. Lundberg

Staff Members

Dr. Dianne R. Nielson, Director  
Ronald W. Daniels, Associate Director for Mining  
Ronald J. Firth, Associate Director for Oil and Gas  
John Baza, Petroleum Engineer  
Marjorie L. Larson, Administrative Assistant

Barbara Roberts, Assistant Attorney General of the State of  
Utah

Mr. Kenneth L. Rothery  
Attorney at Law  
942 East 7145 South  
Salt Lake City, Utah  
For Co-op

Mr. Carl E. Kingston  
Attorney at Law  
53 West Angelo  
Salt Lake City, Utah  
For Co-op



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1 CHAIRMAN WILLIAMS: The Board has deliberated in  
2 Docket No. 84-040, the Co-op matter, and is ready to enter  
3 its decision, which has been unanimously reached. I'll give  
4 the decision in cursory form. It will be set forth in con-  
5 siderable more detail in the written order which will  
6 be prepared by Ms. Lundberg and myself.

7 The Board finds that it has jurisdiction under  
8 Title 40 of Chapter 10 of the Utah Code to hear this matter and  
9 to enter the following order:

10 The Board finds that the provisions relating to  
11 notices of intent issued under Chapter 8 of the Utah Code  
12 with respect to coal mines are superseded by Chapter 10.

13 The Board makes no finding with respect to the  
14 issue of burden of proof, having found that if the State has  
15 the burden of proof, it has sustained it.

16 The Board finds that Co-op Mining Company's applica-  
17 tion for a permit for the Bear Canyon Mine to be incomplete in  
18 the following respects: The application is incomplete with  
19 respect to hydrological information required to be filed pur-  
20 suant to Regulation 783.15. The application is incomplete  
21 with respect to the requirements of Regulation 783.24. It re-  
22 quires filing of a map defining the permit boundary. The  
23 application is incomplete with respect to the requirements  
24 of 783.24, to require the filing of a map showing the lo-  
25 cation and extent of known underground mines.



1           The application is incomplete with respect to the  
2 requirements of Section 784.13(b) (4) regarding topsoil infor-  
3 mation and the filing of analyses of available topsoil. The  
4 application is incomplete with respect to the requirements of  
5 Regulation 784.20 regarding subsidence control plans.

6           The application is incomplete with respect to the  
7 requirements of Regulation 771.23(c) and (d) regarding the  
8 filing of information identifying the sources of some of  
9 the information contained in the application.

10           On this record the application is also incomplete  
11 under the requirements of 783.25 regarding strike and dip.

12           Having made those findings, the Board orders as  
13 follows:

14           The interim permit of Co-op is to be suspended and its  
15 authorization to mine withdrawn effective at 6 a.m., Wednesday,  
16 August 1. The suspension will be lifted and the authorization  
17 to mine reinstated at such time as the Division of Oil, Gas,  
18 and Mining makes a determination that the application of Co-op  
19 is complete. The Division is directed to review any infor-  
20 mation filed by Co-op in connection with its application  
21 diligently and within a reasonable period. The reinstatement  
22 of the interim permit will be for a period of one year, at the  
23 end of which Co-op can only continue to mine if it has  
24 obtained a permanent permit or if it is able to come to the  
25 Board and show good cause for an extension of the right to



1 mine under the interim permit.

2 The Board retains continuing jurisdiction over this  
3 cause.

4 Now, you've heard the order. Are there any comments  
5 from the Board members?

6 All in favor of the order as I reported it say aye.

7 (Ayes.)

8 Opposed say no.

9 (No response.)

10 (Motion carried).

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C E R T I F I C A T E

State of Utah )  
County of Salt Lake ) ss

I, Ronald F. Hubbard, do hereby certify that I am a  
certified shorthand reporter in and for the State of Utah;  
that I reported in shorthand the foregoing proceedings; that  
that this transcript is a full, true, and correct record of  
said proceedings.

Dated at Salt Lake City, Utah, this 27th day  
of July, 1984.

Ronald F. Hubbard  
Ronald F. Hubbard  
Certified Shorthand Reporter  
License No. 32

